

51 Grove Street
Arlington, MA 02476

ZONNING BOARD OF APPEALS

Phone: (781) 316-3396

Town of Arlington



Meeting Minutes
Tuesday September 4, 2018
7:45 P.M.

Present: Patrick Quinn, Chair; Roger Dupont; Kevin Mills; Shawn O'Rourke; Christian Klein, Vice Chair;

Docket # 3566 2 Garden Street (Continued from 7/24/18)
Docket # 3575 60 Park Ave Ext. (Continued from 7/24/18)
Docket # 3567 32 Crosby Street
Docket # 3573 10 Sunnyside Ave

1. **#3566 2 Garden Street.**

Present were Mary Kennedy, Robert McGloughlin and Brian Kennedy, son of petitioner. Seeking a special permit to redevelop an office building (280 sq ft) to include 2 loading bays and storage for tools.

The family owns the existing buildings on location and wants to keep the business in town as it fits his business model.

There were questions from the board regarding access. Petitioner's son advised that under new By-Law, all 7 criteria will be met. Presented an Order of Conditions from Conservation and showed there would be no significant impact on Wetland Protection Act.

Was asked by member Dupont, "will there be anything built on that location. The Petitioner answered no. Christian had a question regarding sight lighting.

Petitioner also stated that this plan does not overload the infrastructure. There is no Hazardous material being generated.

Patrick asked if there are any more questions from the board and the audience. Only one more concern from the abutters about this business not interfering with the Ambulances coming and going from Armstrong Ambulance, who is next door and is also the owner of this property as well. Was also asked about the granite curbing. Petitioner advised that there will be no interference to the ambulance traffic and that the curbing exists in the front of the building but will recheck on the location.

Seeing no more questions, Patrick asked for a vote. Shawn made the motion and was seconded by Roger. The vote was unanimous, subject to the checking on the granite curbing.

2. **#3575 60 Park Ave Ext.**

Attorney Robert Annesse was presenter for the petitioner, Reynell Ayers. Seeking a variance. Petitioner seeks variance in order to construct an addition for her mother so that she can take care of her. The petitioner seeks to add a large addition to the existing house but also needs to seek a special permit in reference to the constructing of a deck.

There are questions from board members about the deck being too close to road. Annesse responded that all these will be addressed to the satisfaction of the board.

Question from Patrick, Christian Kevin, and Shawn regarding the deck. Seems they will approve the variance but not the deck (special Permit).

Bob annesse stated that the petitioner wil live with whatever you ask. Roger suggested a cut back on the deck.

After all abutters were heard, who were in support of this petitioner, Patrick asked for a motion, which was made by Roger and a second from Kevin. The vote was unanimous for both the variance and the special permit, however, the special permit is subject to the deck not being constructed closer than 10" to the property line

3. **# 3567 32 Crosby Street**

This is a continuance from the May 2, 2018 meeting.

Present: Adam Coster, Attorney on behalf of the petitioner regarding their petition for a variance and a special permit

Patrick Quinn, Chairman, read a statement from Town Counsel regarding evidence gathered at site visit by a board member.

The questions presented to the board on this petition are numerous. After a presentation by their attorney, there was confusion a to the calculations of this ½ story.

Building Dept. disagrees with the calculations that were obtained by Vice Chair Klein and challenges the definition used of a half story according the Town By-Laws. Need to refer to this by-law for definition and as to how measurements are taken.

Attorney gave a chronology of events from the submission of the application till tonight!

Extensive conversation over the calculations made for this petition and if they were done correctly. Attorney supplied case law, made reference to the length of time for plan review, technical questions, and factors for determination. Ask for consideration as the work is done in conjunction with building permit.

Rick: explained the process of measuring. Used a plan to show non-compliance. The By-Law used was as of the date of this application.

It was stated by the attorney that the architect for the applicant measured wrong and a letter was submitted by architect stating this. The builder, who stated this, was led to believe that measurement was overall height but in fact it was to be under the side of ridge.

Building Rick explained why it is measured this way and also explained that is this way for every building and it's the first time he has seen this type of issue.

After discussion, Patrick asked for a motion on the Special Permit, Shawn moved to deny and Roger second. Unanimous vote

Patrick asked for a motion on the variance. Roger made motion to grant the variance and Christian seconded with condition. The vote was two in favor and three against. The motion Failed.

4. #3573 10 Sunnyside Ave

This is a continuance from the 7/24/18 meeting.

Present was Atty John Leone, attorney for petitioner.
Applicant George Mikhael and Elias Mikhael

Attorney Leone gave an overview of the petitioners application seeking a special permit. Wants to include auto body service on top of the automotive mechanics that already exists.

Roger made statement that he was not one of the members that heard this case originally as he is an alternate. Patrick explained that because the other four present tonight were, they can continue with tonight's hearing with quorum. (Roger cannot vote on this).

This docket is now on it's second continuance and a lot of the discussion was based on what the issues were previously with this application.

Many abutters were present to express major concerns with the existing business. Cars parked up and down the street all day long. Have been told that this would be taken care of and as of the day before this hearing date, the situation had not been remedied according to many abutters. Cars are parked on the street and there are no sidewalks. The abutters had issues with the signs on the building

There were many issues with this applicant and their business to the point of being shut down

Christian pointed out that there are still issues present from the last hearing regarding this application that have not been rectified and would not be right to approve a permit with these conditions still existing.

After discussion, Patrick asked for a motion to accept or deny.
Shawn made a motion to approve
Kevin Second.
The vote was two to two. Motion failed.